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ARNOLD & PORTER LLP

Rce/1/11  
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Thomas E. Holsten  
Thomas\_Holsten@aporter.com

202.942.5085  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

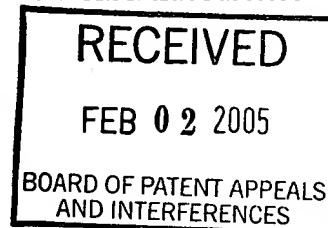


January 26, 2005

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Conf. No. 3322  
Art Unit: 1635  
Examiner: K.A. Lacourciere

Re: U.S. Application No. 09/199,129 filed November 24, 1998  
Title: Nucleic Acid Molecules and Other Molecules  
Associated with Plants  
Applicants: Joseph R. BYRUM *et al.*  
Atty. Docket: 16517.140



Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. Request for Continued Examination (RCE) Transmittal form SB/30;
2. Response in Conjunction with Request for Continued Examination; and
3. Return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Authorization to charge the statutory fee of \$790 for filing a Request for Continued Examination to counsel's deposit account is given in the accompanying Form PTO/SB/30.

In the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 16517.140. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)  
David R. Marsh (Reg. No. 41,408)

Enclosures

**PATENT APPLICATION FEE DETERMINATION RECORD**  
 Substitute for Form PTO-875

Application or Docket Number

**9-199129**

**CLAIMS AS FILED - PART I**

| FOR   | (Column 1)<br>NUMBER FILED | (Column 2)<br>NUMBER EXTRA |
|---|----------------------------|----------------------------|
| BASIC FEE<br>(37 CFR 1.16(a))                     |                            |                            |
| TOTAL CLAIMS<br>(37 CFR 1.16(c))                  | minus 20 =                 |                            |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b))            | minus 3 =                  |                            |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) |                            |                            |

| SMALL ENTITY |     |
|--------------|-----|
| RATE         | FEE |
|              | \$  |
| X \$         | =   |
| X \$         | =   |
| + \$         | =   |
| TOTAL        |     |

| OTHER THAN SMALL ENTITY |     |
|-------------------------|-----|
| RATE                    | FEE |
|                         | \$  |
| X \$                    | =   |
| X \$                    | =   |
| + \$                    | =   |
| TOTAL                   |     |

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

| AMENDMENT   | (Column 1)<br>CLAIMS REMAINING AFTER AMENDMENT | (Column 2)<br>HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3)<br>PRESENT EXTRA |
|---|--|--|-----------------------------|
| Total<br>(37 CFR 1.16(c))                                       | 9  | 20   | =                           |
| Independent<br>(37 CFR 1.16(b))                                 | 2  | 5  | =                           |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |  |  |                             |

| SMALL ENTITY    |                |
|-----------------|----------------|
| RATE            | ADDITIONAL FEE |
| X \$ 25 =       |                |
| X \$ 100 =      |                |
| + \$ 180 =      |                |
| TOTAL ADD'L FEE |                |

| OTHER THAN SMALL ENTITY |                |
|-------------------------|----------------|
| RATE                    | ADDITIONAL FEE |
| X \$ 50 =               |                |
| X \$ 200 =              |                |
| + \$ 360 =              |                |
| TOTAL ADD'L FEE         |                |

| AMENDMENT   | (Column 1)<br>CLAIMS REMAINING AFTER AMENDMENT | (Column 2)<br>HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3)<br>PRESENT EXTRA |
|---|--|--|-----------------------------|
| Total<br>(37 CFR 1.16(c))                                       |  |  | =                           |
| Independent<br>(37 CFR 1.16(b))                                 |  |  | =                           |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |  |  |                             |

| SMALL ENTITY    |                |
|-----------------|----------------|
| RATE            | ADDITIONAL FEE |
| X \$ 25 =       |                |
| X \$ 100 =      |                |
| + \$ 180 =      |                |
| TOTAL ADD'L FEE |                |

| OTHER THAN SMALL ENTITY |                |
|-------------------------|----------------|
| RATE                    | ADDITIONAL FEE |
| X \$ 50 =               |                |
| X \$ 200 =              |                |
| + \$ 360 =              |                |
| TOTAL ADD'L FEE         |                |

| AMENDMENT   | (Column 1)<br>CLAIMS REMAINING AFTER AMENDMENT | (Column 2)<br>HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3)<br>PRESENT EXTRA |
|---|--|--|-----------------------------|
| Total<br>(37 CFR 1.16(c))                                       |  |  | =                           |
| Independent<br>(37 CFR 1.16(b))                                 |  |  | =                           |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) |  |  |                             |

| SMALL ENTITY    |                |
|-----------------|----------------|
| RATE            | ADDITIONAL FEE |
| X \$ 25 =       |                |
| X \$ 100 =      |                |
| + \$ 180 =      |                |
| TOTAL ADD'L FEE |                |

| OTHER THAN SMALL ENTITY |                |
|-------------------------|----------------|
| RATE                    | ADDITIONAL FEE |
| X \$ 50 =               |                |
| X \$ 200 =              |                |
| + \$ 360 =              |                |
| TOTAL ADD'L FEE         |                |

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.